MONTANA LEGISLATIVE HISTORY

Chapter 362 19 95

Bill H 184 S _____ Original bill & history ____C

H. Committee on Human Services			S. Committee on Public Health, Welfare & Safety		
Hearing Date(s)	1-20	✓ C	Hearing Date(s)	Mar 01	✓ C
	1-25	✓ C		Mar 08	✓ C
	_____	____C		_____	____C
	_____	____C		_____	____C
Date Out	1-26	✓ C		Mar 09	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

RETURNED TO HOUSE
3/08 SIGNED BY SPEAKER
3/09 SIGNED BY PRESIDENT
3/09 TRANSMITTED TO GOVERNOR
3/13 SIGNED BY GOVERNOR
CHAPTER NUMBER 133
EFFECTIVE DATE: 10/01/95

HB 181 INTRODUCED BY COBB

GENERALLY REVISE PROPERTY TAX RELIEF FOR LOW-TO-MODERATE-INCOME HOUSEHOLDS

1/13 INTRODUCED
1/13 FIRST READING
1/13 REFERRED TO TAXATION
1/14 FISCAL NOTE REQUESTED
1/19 FISCAL NOTE RECEIVED
1/19 FISCAL NOTE PRINTED
2/15 HEARING
3/29 MISSED TRANSMITTAL DEADLINE FOR 71ST DAY
DIED IN COMMITTEE

HB 182 INTRODUCED BY COBB

INCREASE UTILIZATION FEE FOR BED DAYS IN NURSING FACILITIES

1/13 INTRODUCED
1/13 FIRST READING
1/13 REFERRED TO TAXATION
1/14 FISCAL NOTE REQUESTED
1/19 HEARING
1/20 TABLED IN COMMITTEE
1/23 FISCAL NOTE RECEIVED
1/23 FISCAL NOTE PRINTED
3/29 MISSED TRANSMITTAL DEADLINE FOR 71ST DAY
DIED IN COMMITTEE

HB 183 INTRODUCED BY COBB

INDEX PROPERTY TAX RATE FOR CLASS FOUR PROPERTY

1/13 INTRODUCED
1/13 FIRST READING
1/13 REFERRED TO TAXATION
1/14 FISCAL NOTE REQUESTED
1/18 FISCAL NOTE RECEIVED
1/18 FISCAL NOTE PRINTED
1/19 HEARING
2/01 TABLED IN COMMITTEE
3/29 MISSED TRANSMITTAL DEADLINE FOR 71ST DAY
DIED IN COMMITTEE

HB 184 INTRODUCED BY DEBRUYCKER

REVISE LICENSURE OF PSYCHOLOGISTS

BY REQUEST OF THE DEPARTMENT OF COMMERCE

1/13 INTRODUCED
1/13 FIRST READING
1/13 REFERRED TO HUMAN SERVICES & AGING
1/20 HEARING
1/27 COMMITTEE REPORT—BILL PASSED AS AMENDED
1/28 2ND READING PASSED 72 21
1/30 3RD READING PASSED 72 26

	TRANSMITTED TO SENATE		
1/31	FIRST READING		
1/31	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
3/01	HEARING		
3/10	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/15	2ND READING CONCURRED	50	0
3/16	3RD READING CONCURRED	50	0
	RETURNED TO HOUSE WITH AMENDMENTS		
3/31	2ND READING AMENDMENTS CONCURRED	95	2
4/03	3RD READING AMENDMENTS CONCURRED	93	6
4/05	SIGNED BY SPEAKER		
4/06	SIGNED BY PRESIDENT		
4/07	TRANSMITTED TO GOVERNOR		
4/12	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 362		
	EFFECTIVE DATE: 10/01/95		

HB 185 INTRODUCED BY BERGSAGEL, ET AL.

REVISE LAW REQUIRING A FIXED ALLOTMENT OF COUNTY LAND PLANNING FUNDS

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

1/13	INTRODUCED		
1/13	FIRST READING		
1/13	REFERRED TO LOCAL GOVERNMENT		
1/17	HEARING		
1/28	COMMITTEE REPORT—BILL PASSED		
1/30	2ND READING PASSED	96	0
1/31	3RD READING PASSED	98	0
	TRANSMITTED TO SENATE		
2/01	FIRST READING		
2/01	REFERRED TO LOCAL GOVERNMENT		
3/07	HEARING		
3/09	COMMITTEE REPORT—BILL CONCURRED		
3/14	2ND READING CONCURRED	50	0
3/15	3RD READING CONCURRED	48	1
	RETURNED TO HOUSE		
3/16	SIGNED BY SPEAKER		
3/18	SIGNED BY PRESIDENT		
3/20	TRANSMITTED TO GOVERNOR		
3/23	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 199		
	EFFECTIVE DATE: 10/01/95		

HB 186 INTRODUCED BY KASTEN

GENERALLY REVISE LAWS RELATED TO CHILD PROTECTIVE SERVICES

BY REQUEST OF THE DEPARTMENT OF FAMILY SERVICES

1/13	INTRODUCED		
1/13	FIRST READING		
1/13	REFERRED TO JUDICIARY		
2/09	HEARING		
2/17	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/18	2ND READING PASSED	92	4
2/20	3RD READING PASSED	97	1
	TRANSMITTED TO SENATE		
2/21	FIRST READING		
2/21	REFERRED TO JUDICIARY		
3/15	HEARING		

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES & AGING

Call to Order: By **CHAIRMAN DUANE GRIMES**, on January 20, 1995, at 3:00 p.m.

ROLL CALL

Members Present:

Rep. Duane Grimes, Chairman (R)
Rep. John C. Bohlinger, Vice Chairman (Majority) (R)
Rep. Carolyn M. Squires, Vice Chairman (Minority) (D)
Rep. Ellen Bergman (R)
Rep. Bill Carey (D)
Rep. Dick Green (R)
Rep. Antoinette R. Hagener (D)
Rep. Deb Kottel (D)
Rep. Bonnie Martinez (R)
Rep. Brad Molnar (R)
Rep. Bruce T. Simon (R)
Rep. Liz Smith (R)
Rep. Susan L. Smith (R)
Rep. Loren L. Soft (R)
Rep. Kenneth Wennemar (D)

Members Excused: Rep. Chris Ahner

Members Absent: None.

Staff Present: David Niss, Legislative Council
Jacki Sherman, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: HB 184, HB 187, HB 190
Executive Action: None

HEARING ON HB 184

Opening Statement by Sponsor:

REP. ROGER DEBRUYCKER, HD 89, said this bill is for the licensure of psychologists.

Proponents' Testimony:

Pastor Jeff Olsgaard, Chairman, Montana Board of Psychologists, submitted written testimony. **EXHIBIT 1** He said he would support this bill with the proposed changes.

Gloria Hermanson, Montana Psychological Association, said they stand neither as an opponent nor a proponent for this piece of legislature. She wished to inform the committee that this piece of legislation has been reviewed by the Montana Psychological Association and they have no concerns.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

REP. DEB KOTTEL asked **Mr. Olsgaard,** if the new section 4 is needed if the words are changed instead of "Canadian" under 37-17-304 to or "foreign jurisdiction upon meeting criteria to an agreement established by the board." **Mr. Olsgaard** answered that Canada is the only foreign country presently using the same criteria that the United States does for licensure in terms of the written examination.

REP. KOTTEL then stated this section seemed to be showing a preference to the Canadians over other foreign countries.

Carol Grell, Legal Counsel, Board of Psychologists, explained the reason this bill is presented in this manner is that they are currently working with Canada and have reciprocity agreements with them. Their schools are equivalent and give the same exam. The reason for section 4 is because they do not have these assurances with other foreign countries. This new section will allow their credentials to be reviewed by agencies that do this work on a permanent basis.

REP. KOTTEL asked **Ms. Grell** if they then decide that they like the Netherlands credentials, does this mean they will be back in two years asking the legislature to change it again. **Ms. Grell** replied that is not a scenario that will be occurring.

REP. LOREN SOFT asked **Mr. Olsgaard** regarding new section 4, foreign-trained applicants, if he could explain the makeup of the agency who will be screening these applicants. **Mr. Olsgaard** explained that there are currently less than one dozen credentialing agencies in the country. They look at offerings from other countries. They translate not only the language, but also academic standards by specific credits for education. They can then compare them to a level of standards and know how to make equivalency evaluations.

REP. SOFT asked if he could be more specific who these agencies are. He referred to his statement that they may have to translate languages and asked if that means these applicants aren't fluent in English. **Mr. Olsgaard** answered that they have three agencies that are being used by other states and other universities for candidates arriving. That may be the case in fluency. He said they haven't had the problem with the language barrier, but want to be prepared. There are standard tests available for English-speaking people. These tests need to be made available to the majority of the population at some level of efficiency.

REP. LIZ SMITH asked **Mr. Olsgaard** what the scope of the Canadian practice is. **Olsgaard** answered that the current standards for licensure in Canada are equivalent to the terms needed in the United States.

REP. L. SMITH asked **Ms. Grell** if out of the five applicants that they've had, where did they come from and how long did it take to hire them. She wondered if any of the applicants were from Canada. **Ms. Grell** answered that they don't have five candidates, but do have one candidate from the Netherlands. No applicants from Canada have applied for a Montana licensure at this time.

REP. BRUCE SIMON asked **Mr. Olsgaard** if all the people who are licensed in the state of Montana have taken the national exam. **Mr. Olsgaard** replied they have not. Some are under a grandfather clause; they were already licensed before the national exam was available. This is true in other states as well.

REP. SIMON asked **Ms. Grell** why do they need section 5 and referred to 37-17-304 where it states if someone is licensed in another state, they don't have to take a written exam if the requirements are essentially the same. He wanted to know why they would require these extra steps.

Ms. Grell answered that the difference is under 37-17-304. The licensees that come from another state are required to have taken the national written exam. They are a different group of people. Strict reciprocity arrangements have been made with other states. Written agreements have been made, where they agree to take their candidates if they are licensed. In contrast, the scenario that is set up in Montana statute is more of an endorsement whereby the Montana board would evaluate criteria and requirements from each of the other states. Currently all states require the national exam. If the individual was "grandfathered" then he would not be eligible in Montana because he did not meet the requirements. Our intention when adding new section 5 is to "open the door" instead of shutting these people out and to give them credit for the 20 years experience they have.

REP. KOTTEL asked **Ms. Grell** why new section 5 doesn't clearly define the practical clinical experience and perhaps it should say 10 out of the last 15 years practicing. She asked if someone

can get a degree, work for 10 years, then drive taxi for 20 years and come to Montana and be admitted because he passed the exam 30 years ago. **Ms. Grell** said that is a very good point and something which needs to be clarified.

CHAIRMAN DUANE GRIMES told **Mr. Olsgaard** that under new section 5, they do not have anyone apply for the senior psychologist license who would fit under this section. He said they are taking national language and putting it in statute just in case that happens. **Olsgaard** replied that is incorrect. In the past three years they had 48 candidates apply for licensure. Over 10% of those recognize that Montana statutes don't allow for them. More than 10% of those would fall under the new section.

CHAIRMAN GRIMES then asked **Mr. Olsgaard** what licenses are available. **Olsgaard** answered that this is not a new license of any sort.

{Tape: 1; Side: B; Approx. Counter: 000; Comments: n/a.}

It simply recognizes and gives credit for licensure for experience they have had and licenses they have held.

REP. SIMON asked **Ms. Grell** if it is common for boards to look at requirements when the person was licensed, or do they look at current standards. **Ms. Grell** answered that they have 34 licensing boards and it varies for each board. Some boards do go back in time, some have reciprocity agreements, other boards hold endorsement language only.

Closing by Sponsor: The sponsor closed.

HEARING ON HB 187

Opening Statement by Sponsor:

REP. RED MENAHAN, HD 87, said this bill places the forensic facility at Warm Springs under the adult corrections component of the Department of Corrections and Human Services to be used as a sex offender treatment program. It is a very secure facility.

Proponents' Testimony:

Dan Anderson, Administrator, Mental Health Division, Department of Corrections & Human Services, submitted written testimony. **EXHIBIT 2** He said they would like to consolidate the campus after remodeling and plan to use the eastern side of the campus. Forensics will be turned over to the Department of Corrections. This building was built in 1988 to serve criminally court-ordered patients for the state hospital and also non-criminal patients who have serious disruptive behaviors. It is the most secure facility at the state hospital. The building currently has 92 beds. In the behavior control area there are twelve beds, this

HOUSE OF REPRESENTATIVES

Human Services and Aging

ROLL CALL DATE 1-20-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Duane Grimes, Chairman	✓		
Rep. John Bohlinger, Vice Chairman, Majority	✓		
Rep. Carolyn Squires, Vice Chair, Minority	✓		
Rep. Chris Ahner			✓
Rep. Ellen Bergman	✓		
Rep. Bill Carey	✓		
Rep. Dick Green	✓		
Rep. Toni Hagener	✓		
Rep. Deb Kottel	✓		
Rep. Bonnie Martinez	✓		
Rep. Brad Molnar	✓		
Rep. Bruce Simon	✓		
Rep. Liz Smith	✓		
Rep. Susan Smith	✓		
Rep. Loren Soft	✓		
Rep. Ken Wennemar	✓		

EXHIBIT 1
DATE 1-20-95
HB 184

HOUSE BILL 184

TESTIMONY BY PASTOR JEFF OLSGAARD
CHAIRMAN, BOARD OF PSYCHOLOGISTS

Mr. Chairman and Members of the Committee, for the record my name is Pastor Jeff Olsgaard from Rudyard, MT. I am a public member and current Chair of the Board of Psychologists. I am here today to testify in support of House Bill 184 which the Board of Psychologists has requested. I will briefly go through the proposed changes.

Section 1 37-17-302 APPLICATION - QUALIFICATIONS

Changes on page 1, lines 16-19 are gender neutralization and grammar clarifications made to the statute performed by Legislative Council drafting personnel.

Page 1, lines 20-21 delete the residency requirement for licensure as it has been found unconstitutional by the US Supreme Court in unrelated challenges to residency requirements.

Page 1, lines 22-30 are grammar changes.

Page 2, lines 2-4 clarify that of the required postdoctoral year of supervised experience, no more than six months may be in teaching and/or research. A license as a psychologist is issued so that an individual may offer psychological services to the public. The Board felt that at least six months of the postdoctoral supervised experience should be in actual clinical practice.

Section 2 ADMISSION OF LICENSEES FROM OTHER STATES OR JURISDICTIONS

Page 2, lines 7-11 provide that licensees from other states or a Canadian jurisdiction may be licensed without a written exam if they meet the criteria established by the Board. This change will allow the Board to move away from requiring reciprocal agreements with other states and the need to perform equivalency evaluations of other states laws and rules.

Section 3 DEPARTMENT TO PUBLISH LIST OF LICENSEES

Page 2, lines 15-18 will clarify that a list of licensees will not need to be sent to the Secretary of State. Copies of the list will continue to be furnished to the public who meet the requirements listed in Section 2-6-109, MCA (attached). This change will resolve a conflict between these two statutes, one of which requires mailing lists and one which prohibits release of mailing lists.

Section 4 FOREIGN-TRAINED APPLICANTS

Page 2, lines 20-25 will grant authority for the licensure of foreign-trained psychologists who have their credentials evaluated by a Board-designated agency and who meet equivalent

educational standards as reviewed by the Board. Foreign-trained applicants wi be required to take both the written and oral examinations and meet the sup requirement. The Board currently has no statutory authority in this area and d foreign-trained candidates seeking licensure. Also with the passage of the North Free Trade Agreement (NAFTA), it is desireable to have standards in pl foreign-trained candidates.

Section 5 LICENSURE OF SENIOR PSYCHOLOGISTS

Page 2, lines 27-30 and page 3, lines 1-5 provide for licensure of individuals v a doctoral degree and great amount of practical experience but who may not hav the national examination as it was not in existence at their time of licensur requirements for licensure of these individuals, in addition to the doctoral would be that they have been licensed as a psychologist in another jurisdiction least 20 years with no disciplinary action against their license and that they years of practical experience and pass the Montana oral examination. The Board several such applicants who wanted to offer their services to the public in Mont did not meet current requirements for licensure, such as passage of the national exa

Mr. Chairman and Members of the Committee, I am available along with the Board's Counsel, administrative staff, and a Board member who is a psychologist to answ questions you may have concerning this bill. I would like to thank the Committ the time it has spent on this matter and urge you to pass House Bill 184.

History: En. Sec. 1121, Pol. C. 1895; re-en. Sec. 428, Rev. C. 1907; re-en. Sec. 461, R.C.M. 1921; Cal. Pol. C. Sec. 1015; re-en. Sec. 461, R.C.M. 1935; R.C.M. 1947, 59-531; Sec. 2-6-305, MCA 1979; redes. 2-6-107 by Code Commissioner, 1979.

2-6-108. Attachment and warrant to enforce. The execution of the order and delivery of the books and papers may be enforced by attachment as for a witness and also, at the request of the plaintiff, by a warrant directed to the sheriff or a constable of the county, commanding him to search for such books and papers and to take and deliver them to the plaintiff.

History: En. Sec. 1122, Pol. C. 1895; re-en. Sec. 429, Rev. C. 1907; re-en. Sec. 462, R.C.M. 1921; Cal. Pol. C. Sec. 1016; re-en. Sec. 462, R.C.M. 1935; R.C.M. 1947, 59-532; Sec. 2-6-306, MCA 1979; redes. 2-6-108 by Code Commissioner, 1979.

2-6-109. Prohibition on distribution or sale of mailing lists — exceptions — penalty. (1) Except as provided in subsections (3) through (7), in order to protect the privacy of those who deal with state and local government:

(a) no agency may distribute or sell for use as a mailing list any list of persons without first securing the permission of those on the list; and

(b) no list of persons prepared by the agency may be used as a mailing list except by the agency or another agency without first securing the permission of those on the list.

(2) As used in this section, "agency" means any board, bureau, commission, department, division, authority, or officer of the state or a local government.

(3) Except as provided in 30-9-403, this section does not prevent an individual from compiling a mailing list by examination of original documents or applications which are otherwise open to public inspection.

(4) This section does not apply to the lists of registered electors and the new voter lists provided for in 13-2-115 and 13-38-103, to lists of the names of employees governed by Title 39, chapter 31, or to lists of persons holding driver's licenses provided for under 61-5-126.

(5) This section shall not prevent an agency from providing a list to persons providing prelicensing or continuing educational courses subject to Title 20, chapter 30, or specifically exempted therefrom as provided in 20-30-102.

(6) This section does not apply to the right of access either by Montana law enforcement agencies or, by purchase or otherwise, of public records dealing with motor vehicle registration.

(7) This section does not apply to a corporate information list developed by the secretary of state containing the name, address, registered agent, officers, and directors of business, nonprofit, religious, professional, and close corporations authorized to do business in this state.

(8) A person violating the provisions of subsection (1)(b) is guilty of a misdemeanor.

History: En. Sec. 1, Ch. 606, L. 1979; amd. Sec. 6, Ch. 683, L. 1985; amd. Sec. 1, Ch. 663, L. 1989; amd. Sec. 2, Ch. 289, L. 1991.

Cross-References

Misdemeanor — no penalty specified, 46-18-212.

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Human Services & Aging DATE 1-20-95

BILL NO. HB 184, 187, 190 SPONSOR(S) Menahan, DeBruycker, Denny

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
John Melcher Jr.	DFS	190	
Christina Interfield	Missoula City-Co. Health Dept	190	
GENE FISER	MBCC	190	
John G Thomas	BOP	187	
Steven Shapiro	MT Nurses Assn	190	
Gloria Hergenrether	MT Psych Assoc	184	
[illegible]	MT Board of Psych	184	
Cheryl Brandt	MT Bd of Psychologists	184 for info only	
Shirley Brown	DFS	190	
Pam Meyer	DFS	190	
Dan Anders	DCHS	187	
Charles McCarthy	DFS	190	
David Hemion	Mental Health Assoc.	184	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

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CS-14

the Sheriff's office so they are full or part-time. The other 40% are elected officials, so it depends on the county.

Motion/Vote: **A MOTION WAS MADE THAT SB 32 BE CONCURRED IN. Roll call vote was taken. The motion carried 10-6 with REPS. SOFT, S. SMITH, MARTINEZ, L. SMITH, GREEN, AND BERGMAN voting no.**

(TAPE 2, SIDE 1)

EXECUTIVE ACTION ON HB 184

Motion: **REP. BILL CAREY MOVED THAT HB 184 DO PASS.**

Motion: **REP. BRUCE SIMON MADE A SUBSTITUTE MOTION TO STRIKE SECTION 5.**

Discussion:

REP. DEB KOTTEL said overall this bill has her support. New section 5 had some concerns that she felt might need amending.

REP. BRUCE SIMON said there are some senior psychologists out there who have not taken the national exam. Section 5 is unnecessary.

DAVID NISS, Staff Attorney, stated that this is a type of "narrower" license. The board, if intending to apply the same narrower criteria, would adopt rules containing the same kind of criteria as on the top of page 3 of the bill.

REP. SIMON related the issue is allowing someone from another state to move into this state and become licensed without having to take the national exam which was not required when they first became licensed. There are some people who are "grandfathered."

Motion: **REP. SIMON OFFERED A SUBSTITUTE MOTION TO STRIKE SECTION 5.**

Carol Grell, Attorney for the Board of Psychologists, stated they are not seeking separate licenses. The persons who come in have taken a written exam in their state and hold a license. Senior psychologists who have been "grandfathered" in their own states, never took the national written exam and do not qualify. They would be able to substitute 20 years of practical experience in place of the written exam. Another difference in this group is their degree. Nowadays their degree must be in clinical psychology and that is a national requirement.

REP. SIMON said the senior psychologists that are being referred to are currently licensed in another state.

DAVID NISS, STAFF ATTORNEY, said the board states the requirements be equivalent to Montana law.

- **REP. SIMON** asked **Grell** if this bill passes, could the board change rules to interpret it as a reciprocity clause. **Grell** answered that rules can only be implemented if based on statutory authority.

REP. GREEN stated the new section 5 is redundant to MCA 37-17-304.

REP. DEB KOTTEL said the other states must meet the criteria in Montana, unless they have practiced for 20 years.

REP. LIZ SMITH stated that New Section 5 is needed.

Motion/Vote: **REP. SIMON MOVED A SUBSTITUTE MOTION TO APPROVE AMENDMENT FOR SECTION 5. The motion failed.**

Motion/Vote: **REP. KOTTEL MOVED THAT HB 184 DO PASS AS AMENDED. Motion carried 14-2 with REP. LIZ SMITH and REP. SIMON voting no.**

HOUSE OF REPRESENTATIVES

Human Services and Aging

ROLL CALL DATE 1-25-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Duane Grimes, Chairman	✓		
Rep. John Bohlinger, Vice Chairman, Majority	✓		
Rep. Carolyn Squires, Vice Chair, Minority	✓		
Rep. Chris Ahner	✓		
Rep. Ellen Bergman	✓		
Rep. Bill Carey	✓		
Rep. Dick Green	✓		
Rep. Toni Hagener	✓		
Rep. Deb Kottel	✓		
Rep. Bonnie Martinez	✓		
Rep. Brad Molnar	✓		
Rep. Bruce Simon	✓		
Rep. Liz Smith	✓		
Rep. Susan Smith	✓		
Rep. Loren Soft	✓		
Rep. Ken Wennemar	✓		

HOUSE STANDING COMMITTEE REPORT

January 26, 1995

Mr. Speaker: We, the committee on Human Services and Aging report that House Bill 184 (first reading copy -- white) do pass as amended.

Signed: Duane Grimes, Chair

And, that such amendments read:

1. Page 3, line 1.
Strike: "practical"
Insert: "clinical"
Following: "experience"
Insert: "in the last 15 years prior to filing the application"

-END-

1/26
Committee Vote:
Yes 14, No 2.

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HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Human Services and Aging Committee

DATE 1-25-95 BILL NO. HB184 NUMBER _____

MOTION: "Do Pass" Bill Carey

"Do Pass as amended" HB018401. ADM

NAME	AYE	NO
Rep. Duane Grimes, Chairman	✓	
Rep. John Bohlinger, Vice Chairman, Majority	✓	
Rep. Carolyn Squires, Vice Chairman, Minority	✓	
Rep. Chris Ahner	✓	
Rep. Ellen Bergman	✓	
Rep. Bill Carey	✓	
Rep. Dick Green	✓	
Rep. Toni Hagener	✓	
Rep. Deb Kottel	✓	
Rep. Bonnie Martinez	✓	
Rep. Brad Molnar	✓	
Rep. Bruce Simon		✓
Rep. Liz Smith		✓
Rep. Susan Smith	✓	
Rep. Loren Soft	✓	
Rep. Ken Wennemar	✓	

14 / 2

EXECUTIVE ACTION ON HB 334

Motion/Vote: SENATOR FRANKLIN moved HB 334 BE CONCURRED IN. The motion CARRIED UNANIMOUSLY

HEARING ON HB 184

Opening Statement by Sponsor:

REP. ROGER DeBRUYCKER, HD 89, Choteau and Liberty Counties, said HB 184 is a housecleaning bill, which cleans up the language in a few places. He referred to page 2, line 11.

Proponents' Testimony:

Dr. Evan Lewis, Ph.D, psychologist at the VA Hospital in Helena, read his written testimony in support of HB 184. **EXHIBIT 1.**

Gloria Hermanson, representing the Montana Psychological Association, spoke briefly in support of HB 184.

Opponents' Testimony: None

Questions From Committee Members and Responses:

SENATOR KLAMPE referred to page 2, Section 2, and asked how this coordinates with the new Board bill.

Carol Grell, Attorney, Department of Commerce, said this is a problem seen with bills that affect the Board. If that bill passes, this will be taken care of under the Uniform Act.

SENATOR KLAMPE asked what criteria or entering into an agreement means.

Carol Grell said the reason for amending this section is, they are currently dealing with an endorsement scheme and there's a national movement to enact a reciprocity scheme, through the National Association of State Judicial Psychology Boards, allowing free movement between states that are participating.

SENATOR SPRAGUE asked about reciprocity state-to-state, and if it will also be country-to-country, and nation-to-nation.

Carol Grell said Canada was added, specifically, because Canadian jurisdictions are equivalent to the United States. As part of this agreement, they want Canadian graduates coming to the United States. This is the one country that is part of this reciprocity agreement, state-to-state and Canadian jurisdiction. Anyone else trained in other countries would fall under the new section, Section 4, page 2, which are foreign-trained applicants.

SENATOR SPRAGUE asked if the reverse reciprocity, whether Montana psychologists can go to Canada to work.

Carol Grell said, under those types of agreements, Montana psychologists could go to Canadian jurisdictions that are part of the agreement.

SENATOR SPRAGUE asked for clarification of "part of that agreement."

Carol Grell said it's a nationwide movement by a group called Association of State and Provincial Psychology Boards, who are working on an agreement among the provinces and states. Ontario qualifies to be part of this agreement, so Montana psychologist could freely go there. Alberta does not, so that province does not qualify. The provinces would be treated the same as the states.

SENATOR KLAMPE asked about the meaning of criteria.

Carol Grell said if an applicant comes from a jurisdiction, either province or state, that has not entered this agreement, he would have to be evaluated under the endorsement type scheme. The criteria would be how they were licensed in their original place, whether they took the proper exam, the proper degree from an approved school.

Closing by Sponsor:

REP. Debruycker said he needs someone to carry the bill.

SENATOR BURNETT said if no one volunteers, he will appoint someone to carry the bill.

HEARING ON HB 252

Opening Statement by Sponsor:

REP. CAROLYN SQUIRES, HD 68, Missoula, said HB 252 addresses a problem found to exist in medical facilities throughout the country. One assumes, when hooked up to a medical gas pipeline, such as oxygen, in a medical facility, that we are breathing exactly what we have been told is in the pipe. But, there have been many cases of contaminated pipes, with the contamination so bad that the consequences are potentially fatal.

If a non-endorsed person installing the pipe, without the benefits of the highly technical training specific to modern medical gas pipe installation standards, the gas in the pipe may not be what is assumed to be in the pipe. Risks to the patient and liability to health care providers can be lessened when someone with the credentials for installation of the gas pipe.

MONTANA SENATE
1995 LEGISLATURE
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

ROLL CALL DATE 3/1/95

NAME	PRESENT	ABSENT	EXCUSED
LARRY BAER	X		
SHARON ESTRADA	X		
ARNIE MOHL			X
MIKE SPRAUGE	X		
DOROTHY ECK	X		
EVE FRANKLIN	X		
TERRY KLAMPE	X		
STEVE BENEDICT, VICE CHAIRMAN			X
JIM BURNETT, CHAIRMAN	X		

SEN:1995
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SENATE HEALTH & WELFARE
EXHIBIT NO. 1
DATE 3/1/95
BILL NO. HB 184

HOUSE BILL 184

TESTIMONY BY DR. EVAN LEWIS, PH.D.
BOARD OF PSYCHOLOGISTS

Mr. Chairman and Members of the Committee, for the record my name is Dr. Evan Lewis. I am a psychologist at the VA Hospital here in Helena and a current member of the Board of Psychologists. I am here today to testify in support of House Bill 184 which the Board of Psychologists has requested. I will briefly go through the proposed changes.

Section 1 37-17-302 APPLICATION - QUALIFICATIONS

Changes on page 1, lines 16-19 are gender neutralization and grammar clarifications made to the statute performed by Legislative Council drafting personnel.

Page 1, lines 20-21 delete the residency requirement for licensure as it has been found unconstitutional by the US Supreme Court in unrelated challenges to residency requirements.

Page 1, lines 22-30 are grammar changes.

Page 2, lines 2-4 clarify that of the required postdoctoral year of supervised experience, no more than six months may be in teaching and/or research. A license as a psychologist is issued so that an individual may offer psychological services to the public. The Board felt that at least six months of the postdoctoral supervised experience should be in actual clinical practice.

Section 2 ADMISSION OF LICENSEES FROM OTHER STATES OR JURISDICTIONS

Page 2, lines 7-11 provide that licensees from other states or a Canadian jurisdiction may be licensed without a written exam if they meet the criteria established by the Board. This change will allow the Board to move away from requiring reciprocal agreements with other states and the need to perform equivalency evaluations of other states laws and rules.

Section 3 DEPARTMENT TO PUBLISH LIST OF LICENSEES

Page 2, lines 15-18 will clarify that a list of licensees will not need to be sent to the Secretary of State. Copies of the list will continue to be furnished to the public who meet the requirements listed in Section 2-6-109, MCA (attached). This change will resolve a conflict between these two statutes, one of which requires mailing lists and one which prohibits release of mailing lists.

Section 4 FOREIGN-TRAINED APPLICANTS

Page 2, lines 20-25 will grant authority for the licensure of foreign-trained psychologists who have their credentials evaluated by a Board-designated agency and who meet equivalent

educational standards as reviewed by the Board. Foreign-trained applicants will s be required to take both the written and oral examinations and meet the supervi requirement. The Board currently has no statutory authority in this area and does foreign-trained candidates seeking licensure. Also with the passage of the North Ameri Free Trade Agreement (NAFTA), it is desireable to have standards in place foreign-trained candidates.

Section 5 LICENSURE OF SENIOR PSYCHOLOGISTS

Page 2, lines 27-30 and page 3, lines 1-6 provide for licensure of individuals who h a doctoral degree and great amount of practical experience but who may not have t the national examination as it was not in existence at their time of licensure. requirements for licensure of these individuals, in addition to the doctoral deg would be that they have been licensed as a psychologist in another jurisdiction fo least 20 years with no disciplinary action against their license, that they have 10 y of clinical experience within the last 15 years prior to filing the application, pass the Montana oral examination. The Board has had several such applicants who wa to offer their services to the public in Montana but did not meet current requirem for licensure, such as passage of the national exam.

Mr. Chairman and Members of the Committee, I am available along with the Board's Le Counsel and administrative staff to answer any questions you may have concerning bill. I would like to thank the Committee for the time it has spent on this matter urge you to pass House Bill 184.

History: En. Sec. 1121, Pol. C. 1895; re-en. Sec. 428, Rev. C. 1907; re-en. Sec. 461, R.C.M. 1921; Cal. Pol. C. Sec. 1015; re-en. Sec. 461, R.C.M. 1935; R.C.M. 1947, 59-531; Sec. 2-6-305, MCA 1979; redes. 2-6-107 by Code Commissioner, 1979.

2-6-108. Attachment and warrant to enforce. The execution of the order and delivery of the books and papers may be enforced by attachment as for a witness and also, at the request of the plaintiff, by a warrant directed to the sheriff or a constable of the county, commanding him to search for such books and papers and to take and deliver them to the plaintiff.

History: En. Sec. 1122, Pol. C. 1895; re-en. Sec. 429, Rev. C. 1907; re-en. Sec. 462, R.C.M. 1921; Cal. Pol. C. Sec. 1016; re-en. Sec. 462, R.C.M. 1935; R.C.M. 1947, 59-532; Sec. 2-6-306, MCA 1979; redes. 2-6-108 by Code Commissioner, 1979.

2-6-109. Prohibition on distribution or sale of mailing lists — exceptions — penalty. (1) Except as provided in subsections (3) through (7), in order to protect the privacy of those who deal with state and local government:

(a) no agency may distribute or sell for use as a mailing list any list of persons without first securing the permission of those on the list; and

(b) no list of persons prepared by the agency may be used as a mailing list except by the agency or another agency without first securing the permission of those on the list.

(2) As used in this section, "agency" means any board, bureau, commission, department, division, authority, or officer of the state or a local government.

(3) Except as provided in 30-9-403, this section does not prevent an individual from compiling a mailing list by examination of original documents or applications which are otherwise open to public inspection.

(4) This section does not apply to the lists of registered electors and the new voter lists provided for in 13-2-115 and 13-38-103, to lists of the names of employees governed by Title 39, chapter 31, or to lists of persons holding driver's licenses provided for under 61-5-126.

(5) This section shall not prevent an agency from providing a list to persons providing prelicensing or continuing educational courses subject to Title 20, chapter 30, or specifically exempted therefrom as provided in 20-30-102.

(6) This section does not apply to the right of access either by Montana law enforcement agencies or, by purchase or otherwise, of public records dealing with motor vehicle registration.

(7) This section does not apply to a corporate information list developed by the secretary of state containing the name, address, registered agent, officers, and directors of business, nonprofit, religious, professional, and close corporations authorized to do business in this state.

(8) A person violating the provisions of subsection (1)(b) is guilty of a misdemeanor.

History: En. Sec. 1, Ch. 606, L. 1979; amd. Sec. 6, Ch. 683, L. 1985; amd. Sec. 1, Ch. 663, L. 1989; amd. Sec. 2, Ch. 289, L. 1991.

Cross-References

Misdemeanor — no penalty specified, 46-18-212.

EXHIBIT 1
DATE 3-1-95
HB 184

DATE 3/1/95

SENATE COMMITTEE ON Public Health

BILLS BEING HEARD TODAY: HB 184, HB 333
HB 334, HB 252

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Check One

Name	Representing	Bill No.	Support	Oppose
Duane Steinmetz	United Assc. Plumbers Pipefitters	252	✓	
DALE TALIAFERRO	MDHES	HB 334 HB 333	✓	
Evan Lewis	Board of psychologists	HB 184	✓	
Diana Hermanson	MT Psych. Assoc	HB 184	✓	
John Flink	MHA	HB 252	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

REGISTER.F10

EXECUTIVE ACTION ON HB 436

Motion/Vote: **SENATOR MOHL moved HB 436 BE CONCURRED IN. The motion CARRIED UNANIMOUSLY.**

SENATOR MOHL will carry HB 436.

EXECUTIVE ACTION ON HB 169

Motion/Vote: **SENATOR MOHL moved HB 169 BE CONCURRED IN. The motion CARRIED UNANIMOUSLY.**

SENATOR KLAMPE will carry HB 169.

EXECUTIVE ACTION ON HB 184

Discussion: **Susan Fox** explained the amendments. She said there was some concern how the Department of Commerce Board bill would coordinate with this bill, and said 37-17-304 is repealed in the other bill. **EXHIBIT 5.**

Motion/Vote: **SENATOR ECK moved the Amendments to HB 184 DO PASS. The motion CARRIED UNANIMOUSLY.**

Motion/Vote: **SENATOR ECK moved HB 184 AS AMENDED BE CONCURRED IN. The motion CARRIED UNANIMOUSLY.**

Discussion: **Susan Fox** said HB 421 conflicts with SB 377, which is a local government bill giving county commissioners authority to authorize a commission, which makes it a consolidated effort. There is a section of HB 421 that county commissioners may authorize a commission to support health care facilities. The amendment in SB 377 would change that to a building commission. The provisions in both bills gives more flexibility at the county level. A further complication, SB 377 may be incorporated into another bill.

EXECUTIVE ACTION ON HB 407

Motion: **SENATOR FRANKLIN moved HB 407 BE NOT CONCURRED IN.**

Discussion: **SENATOR FRANKLIN** said she is not in favor of the bill because of the consumer protection argument. It was

MONTANA SENATE
1995 LEGISLATURE
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

ROLL CALL DATE 3/8/95

NAME	PRESENT	ABSENT	EXCUSED
LARRY BAER	X		
SHARON ESTRADA	X		
ARNIE MOHL	X		
MIKE SPRAUGE	X		
DOROTHY ECK	X		
EVE FRANKLIN	X		
TERRY KLAMPE	X		
STEVE BENEDICT, VICE CHAIRMAN	X		
JIM BURNETT, CHAIRMAN	X		

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SENATE STANDING COMMITTEE REPORT

March 9, 1995

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration HB 184 (third reading copy -- blue), respectfully report that HB 184 be amended as follows and as so amended be concurred in.

Signed: Jim Burnett
Senator Jim Burnett, Chair

That such amendments read:

1. Page 3, line 11.
Insert: "NEW SECTION. **Section 7. Coordination instruction.** If [this act] and House Bill No. 518 are both passed and approved and if House Bill No. 518 repeals 37-17-304, then the repeal of 37-17-304 in House Bill No. 518 is void."

-END-

Amd. Coord.
Sec. of Senate

SEN. BURNETT
Senator Carrying Bill

SENATE PUBLIC HEALTH & WELFARE
EXHIBIT NO. 5
DATE 3/8/95
BILL NO. HB 184

Amendments to House Bill No. 184
Third Reading Copy

For the Committee on Public Health, Welfare, and Safety

Prepared by Susan B. Fox
March 2, 1995

1. Page 3, line 11.
Insert: "NEW SECTION. **Section 7. Coordination instruction.** If [this act] and House Bill No. 518 are both passed and approved and if House Bill No. 518 repeals 37-17-304, then the repeal of 37-17-304 in House Bill No. 518 is void."